

REMARKS

This Response to Office Action is submitted in response to the Office Action dated July 24, 2002. Claims 1 to 10, 13 to 21 and 24 have been amended. The specification has been amended in certain places for minor grammatical purposes. No new matter has been added via any of these amendments. Claims 11, 12, 22, 23 and 25-33 stand allowed.

A Petition for a two-month extension of time to respond to the Office Action is submitted herewith. A check in the amount of \$400.00 is submitted herewith to cover the cost of the two month extension. Please charge Deposit Account No. 02-1818 for any in sufficiency or credit for any overpayment.

The Office Action recommended that formal drawings be submitted. Formal drawings are being submitted with this Response to Office Action.

The Office Action rejected Claim 1 under 35 U.S.C. § 112 for insufficient antecedent basis. Claim 1 has been amended, and the rejection is now moot.

The Office Action rejected Claims 1 to 19, and 22 under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 6,174,235 to Walker ("*Walker*") and U.S. Patent No. 5,775,692 to Watts ("*Watts*").

Walker is directed to a gaming device which allows the player to select one or more elements from a set of all possible elements in a game. The elements are randomly assigned to a plurality of selections prior to allowing the player to pick the selections. The elements associated with the selections picked by the player directly define the outcome and the payout for that game (see, e.g., col. 5, lines 47-55 and col. 7, lines 7-10), thereby providing the player with "an illusion of control through player selection of game elements" (col. 2, lines 54-55). In *Walker*, only one element is possibly assigned to or associated with each player selectable selection. *Walker* does not teach or suggest providing more than one element in association with the selectable symbols. To do so would change the odds of success, which *Walker* does not address or suggest.

The present invention discloses a game in which an item is randomly assigned to at least one, a plurality of or all of the symbols in a plurality of symbols. The item or award can be assigned to any number of the symbols including the item being assigned

to all of the symbols. Moreover, in one embodiment the game includes a plurality of rounds, wherein one or more rounds is played with a particular percentage of the symbols having associated items, i.e., at a particular winning percentage.

To accomplish the multi-round game, a number of tables are used. Each table is associated with assigning an item to a percentage of the symbols. The tables each include a plurality of probabilities that the particular percentage of success will appear in a given number of rounds, such as one round, two rounds, three rounds or four rounds. The game, overall, has a varying number of rounds depending upon how many rounds one selected from each table. *Walker* does not disclose such a game.

Watts does not cure the deficiencies of *Walker*. *Watts* merely discloses the existence of a multiple stage game and does not teach or suggest the elements of the claims. *Watts* does not disclose varying percentages of success in various rounds. Nor does *Watts* disclose a plurality of tables for determining a number of rounds to play, wherein each table is associated with a percentage of success and each table includes a plurality of probabilities that the player will play at that percentage of success a varying number of times. Applicants respectfully submit therefore that the combination of *Walker* and *Watts*, even if properly combined, does not teach the limitations of Claims 1 to 19 and 22.

The Office Action rejected Claims 24 to 28 under 35 U.S.C. § 103(a) as being unpatentable over *Walker* in view of U.S. Patent No. 6,231,442 to Mayeroff ("*Mayeroff*"). *Mayeroff* discloses a slot machine that awards a player with the opportunity to play a secondary event selection game. The number of chances provided to the player to play the secondary game is based on the number of paylines that the player has played on the main game or by the number of credits wagered on each payline. *Mayeroff* also discloses that the number of selections awarded to the player in the secondary game event can be determined by the symbol combinations achieved by the player on the main game.

Mayeroff, does not disclose randomly assigning the item to at least one, a number of or all of the symbols. *Mayeroff* also does not disclose the plurality of tables for assigning the item to a group of symbols, wherein each table is associated with a

percentage of success. In short, *Mayeroff* does not correct the deficiencies of *Walker* and *Watts* with respect to the claims as amended.

Claim 1 as amended is directed to a gaming device that includes a plurality of symbols, a plurality of rounds, means for enabling a player to select one of the symbols in each of the rounds and a display device operable for displaying the plurality of symbols. The gaming device also includes a controller operable with the selection means and the display device to randomly assign an item to at least one, a plurality of or all of the plurality of symbols, to enable the player to select one of the symbols in each of the rounds, and to provide an award to the player if the player in one of the rounds selects one of the symbols having the assigned item. *Walker, Watts and/or Mayeroff* do not disclose, teach or suggest the random assignment of the item to at least one, a plurality of or all of the plurality of symbols. Applicants respectfully submit that for at least this reason amended Claim 1 is patentably distinguished over *Walker, Watts and/or Mayeroff* and is in condition for allowance. It is also respectfully submitted that Claims 2 to 12, as amended, which depend from amended Claim 1 are patentably distinguished over *Walker, Watts and/or Mayeroff* and are also in condition for allowance.

Additionally, the art in combination does not teach the table of randomly selectable items as included in Claims 3 and 4. Nor does the art of record teach the table(s) of numbers included in Claims 5 to 10. Moreover, the references do not teach the table of randomly selectable prizes in Claims 11 and 12. For these additional reasons, dependent Claims 2 to 12 are patentably distinguished over these references and in condition for allowance. It should be appreciated that various ones of these claims have been amended to conform with the language of amended Claim 1 and for reasons of clarity and readability. These amendments have not been made for any statutory reason, are non-narrowing and disclaim no subject matter.

Claim 13 as amended is directed to a method of operating a gaming device. The method includes the steps of displaying a plurality of symbols on a display device of the gaming device, randomly assigning an item to at least one, a plurality of or all of the symbols, selecting a prize and enabling a player to select a symbol. The method also includes providing the prize to the player if the player chooses a symbol having the

assigned item, and repeating the steps in a plurality of rounds. Walker, Watts and/or Mayeroff do not disclose, teach or suggest the random assignment of the item to at least one, a plurality of or all of the plurality of symbols. Applicants respectfully submit that for at least this reason amended Claim 13 is patentably distinguished over *Walker, Watts and/or Mayeroff* and is in condition for allowance. It is also respectfully submitted that Claims 14 to 23, as amended, which depend from amended Claim 13 are patentably distinguished over *Walker, Watts and/or Mayeroff* and are also in condition for allowance.

Additionally, the art in combination does not teach: (i) the step of selecting a number of player selections as set forth in Claims 14 to 16, (ii) the step of selecting a plurality of numbers of rounds as included in Claims 17 to 19; (iii) the repeating step as set forth in Claims 20 and 21; and (iv) the revealing step as set forth in Claims 22 and 23. These distinctions additionally distinguish dependent Claims 14 to 23 over the art of record. Various ones of these claims have also been amended for non-statutory reasons, are non-narrowing and disclaim no subject matter.

Claim 24 as amended is directed to a method for operating a gaming device. The method includes the steps of displaying a group of symbols on a display device of the gaming device, and randomly assigning an item to a percentage of symbols of the group, wherein the percentage includes at least one, a plurality of or all of the symbols. The method also includes determining a number of rounds of the particular percentages with which the player can play the game. Walker, Watts and/or Mayeroff do not disclose, teach or suggest randomly assigning the item to the percentage of symbols of the group, wherein the percentage includes at least one, a plurality of or all of the symbols. Nor does the art of record disclose determining the number of rounds. For at least these reasons, Applicants respectfully submit that amended Claim 24 is patentably distinguished over *Walker, Watts and/or Mayeroff* and is in condition for allowance. It is also respectfully submitted that Claims 25 to 28 which depend from amended Claim 24 are patentably distinguished over *Walker, Watts and/or Mayeroff* and are also in condition for allowance.

Additionally, the art of record does not teach the steps of selecting a prize as set forth in Claim 25 or the revealing steps of Claims 27 and 28. These features provide additional patentable distinctions over these references.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, applicants respectfully request that the Examiner contact the applicants' attorney, Adam Masia, to discuss this Response.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current Response. The attached page is captioned "**Version with Markings to Show Changes Made.**"

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The paragraph beginning at page 27, line 14 has been amended follows:

In similarity to the random selection of the items, the game preferably assigns the same prize value 122 more than once. In other embodiments, it can be designed to exclude these duplications. As illustrated in Fig. 12, the game preferably assigns an equal percentage 124 or likelihood to each of the prizes 122, so that each has an equal chance of being selected. The implementor can again provide any weighting or probability distribution that satisfies the game math. The implementor can also include any desired number of prizes 122. The present invention contemplates randomly assigning one of the prizes 122 at any time before providing and displaying the prize to the player. The game can also assign a prize 122 to each opportunity, i.e., symbol selection, or assign a prize only after the player successfully selects a symbol having an associated item. That is, assigning a prize does not necessarily equate to awarding the prize to a player. Assigning a prize can alternatively include designating the prize the player receives if the player selects the award yielding symbol. One skilled in the art of game design can structure the award distribution of the present invention in a plurality of ways.

The paragraph beginning at page 28, line 12 has been amended as follows:

Referring now to Fig. 13, one embodiment of a method flow diagram of the present invention is illustrated. It should be appreciated that from the foregoing disclosure one skilled in the art of game design can develop alternative method flow schemes that employ the previously disclosed data tables. ~~and the present invention~~ The following disclosure is not intended to limit the invention to the specific method hereafter disclosed.

In the Claims:

Claim 1 has been amended as follows:

1. (Amended) A gaming device comprising:

a controller;

~~a display device connected to said controller;~~

~~a plurality of symbols displayed on said display device in each round;~~

~~a plurality of rounds provided by said controller;~~

~~means connected to said controller~~ for enabling a player to select one of said symbols in each of the rounds;

~~said controller having means for assigning an item to at least one of said symbols in each round~~; a display device operable for displaying said plurality of symbols; and

~~an award provided to said player in each round~~ a controller operable with the selection means and the display device to randomly assign an item to at least one, a plurality of or all of the plurality of symbols, to enable the player to select one of the symbols in each of the rounds, and to provide an award to the player if said player selects a symbol one of the symbols having said assigned item ~~in said round~~.

Claim 2 has been amended as follows:

2. (Amended) The gaming device of Claim 1, wherein said ~~assigning means~~ controller assigns an item to a plurality of symbols in each round.

Claim 3 has been amended follows:

3. (Amended) The gaming device of Claim 1, wherein said ~~assigning means~~ includes controller operates with a table of randomly selectable items.

Claim 4 has been amended follows:

4. (Amended) The gaming device of Claim 1, wherein said ~~assigning means~~ includes controller operates with a table of randomly selectable items, and wherein at least one item is adapted to be randomly selected more often than at least one other item.

Claim 5 has been amended follows:

5. (Amended) The gaming device of Claim 1, which includes a table of numbers, ~~a plurality of said numbers designating player selections wherein~~ that designate how many rounds the player has in which to select from the plurality of symbols when said item is assigned to a percentage of symbols of said group.

Claim 6 has been amended follows:

6. (Amended) The gaming device of Claim 4 5, ~~which includes a table of numbers, a plurality of said numbers designating player selections wherein said item is assigned to a percentage of symbols in a round, and wherein at least one number of said table is adapted to be randomly selected more often than at least one other number of said table.~~

Claim 7 has been amended follows:

7. (Amended) The gaming device of Claim 4 5, which includes a plurality of tables of numbers, ~~a plurality of said numbers of each table designating player selections wherein said item is assigned to a percentage of symbols in a round.~~

Claim 8 has been amended follows:

8. (Amended) The gaming device of Claim 4 7, ~~which includes a plurality of tables of numbers, a plurality of said numbers of each table designating player selections wherein said item is assigned to a percentage of symbols in a round, and wherein at least one number of a~~ each ~~table is adapted to be randomly selected more often than at least one other number of said table.~~

Claim 9 has been amended follows:

9. (Amended) The gaming device of Claim 4 5, which includes a quantity of tables of numbers equaling the quantity of symbols in a round, ~~a plurality of said numbers of each table designating player selections wherein said item is assigned to a percentage of symbols in a round.~~

Claim 10 has been amended follows:

10. (Amended) The gaming device of Claim 4 9, ~~which includes a quantity of tables of numbers equaling the quantity of symbols in a round, a plurality of said numbers of each table designating player selections wherein said item is assigned to a percentage of symbols in a round, and wherein at least one number of a table is adapted to be randomly selected more often than at least one other number of said table.~~

Claim 13 has been amended as follows:

13. (Amended) A method for operating a gaming device, said method comprising the steps of:

- (a) displaying a plurality of symbols on a display device of said gaming device;
- (b) randomly assigning an item to at least one, a plurality of or all of said symbols;
- (c) selecting a prize;
- (d) enabling a player to select a symbol;
- (e) providing said prize to said player if said player chooses a symbol having said assigned item; and
- (f) repeating steps (a) to (e) in a plurality of rounds.

Claim 14 has been amended follows:

14. (Amended) The method of Claim 13, which includes the step of selecting a number of player selections, said number defining how many rounds the player plays with a percentage of symbols ~~in a round~~ that have an assigned item.

Claim 15 has been amended follows:

15. (Amended) The method of Claim 13, which includes the step of selecting a number of ~~player selections~~ rounds to be played from a table ~~having a plurality of different selection numbers, wherein said table is~~ associated with a percentage of symbols ~~in a round~~ that have an assigned item.

Claim 16 has been amended follows:

16. (Amended) The method of Claim 13, which includes the step of selecting a number of ~~player selections~~ rounds to be played from a table ~~having a plurality of different selection numbers, wherein said selected number is adapted to be selected more often than a different number of said table, and wherein said table is~~ associated with a percentage of symbols ~~in a round~~ that have an assigned item.

Claim 17 has been amended follows:

17. (Amended) The method of Claim 13, which includes the step of selecting a plurality of numbers of ~~player selections~~ rounds to be played, wherein each selected number is associated with a different percentage of symbols in a round that have an assigned item.

Claim 18 has been amended follows:

18. (Amended) The method of Claim 13, which includes the step of selecting a plurality of numbers of ~~player selections~~ rounds to be played, each selected number belonging to a table of numbers, and wherein each table is associated with a different percentage of symbols ~~in a round~~ that have an assigned item.

Claim 19 has been amended follows:

19. (Amended) The method of Claim 13, which includes the step of selecting a plurality of numbers of ~~player selections~~ rounds to be played, each selected number belonging to a table of numbers, wherein at least one selected number of a weighted table is adapted to be selected more often than a different number of said weighted table, and wherein each table is associated with a different percentage of symbols ~~in a round~~ that have an assigned item.

Claim 20 has been amended follows:

20. (Amended) The method of Claim 13, which includes the step of repeating steps (a) through (e) until said player selects a number of times equal to a selected number, said selected number being associated with a percentage of symbols ~~in a round~~ that have an assigned item.

Claim 21 has been amended follows:

21. (Amended) The method of Claim 13, which includes the step of repeating steps (a) through (e) until said player selects a number of times equal to a sum of a plurality of selected numbers, said selected numbers each being associated with a different percentage of symbols ~~in a round~~ that have an assigned item.

Claim 24 has been amended as follows:

24. (Amended) A method for operating a gaming device, said method comprising the steps of:

- (a) displaying a group of symbols on a display device of said gaming device;
- (b) randomly assigning an item to a percentage of the symbols of said group, wherein the percentage includes the item being assigned to at least one, a plurality of or all of the symbols;
- (c) ~~selecting a number of player selections for said percentage~~ determining a number of rounds the player plays with percentage; and
- (d) enabling said player to ~~select said number of selections~~ play said number of rounds.